

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

THE GREAT ATLANTIC & PACIFIC TEA
COMPANY, INC., et al.,¹

Debtors.

THE GREAT ATLANTIC & PACIFIC TEA
COMPANY, INC., et al.,

Plaintiff,

- against -

PEPSICO, INC.; BOTTLING GROUP, LLC
(d/b/a Pepsi Beverages Company and f/d/b/a
The Pepsi Bottling Group); FRITO-LAY
NORTH AMERICA, INC.; PEPSI-COLA
METROPOLITAN BOTTLING COMPANY,
INC.; PEPSI-COLA HASBROUCK
HEIGHTS; PEPSI-COLA BOTTLING
COMPANY; QUAKER SALES AND
DISTRIBUTION, INC.; MULLER QUAKER
DAIRY, LLC; STACY'S PITA CHIP
COMPANY, INC.; PEPSI BOTTLING
GROUP, NJ; and PEPSI USA,
Defendants.

Chapter 11

Case No. 15-23007-rdd

Jointly Administered

Adv. Pro. No. 18-8245-rdd

**STIPULATION AND ORDER EXTENDING TIME TO RESPOND TO SECOND
AMENDED COMPLAINT AND AMENDING ADVERSARY PROCEEDING CAPTION**

WHEREAS, on August 7, 2018, Plaintiff, PepsiCo, Inc., and Pepsi-Cola Bottling Company of New York, Inc. filed a stipulation under which Plaintiff agreed to dismiss certain causes of action asserted in the First Amended Complaint;

WHEREAS, on August 17, 2018 Plaintiff filed a Second Amended Complaint, the caption of which omits Pepsi-Cola Metropolitan Bottling Company, Inc., Pepsi-Cola Hasbrouck

¹ The Debtors are: 2008 Broadway, Inc.; The Great Atlantic & Pacific Tea Company, Inc.; A&P Live Better, LLC; A&P Real Property, LLC; APW Supermarket Corporation; APW Supermarkets, Inc.; Borman's, Inc.; Delaware County Dairies, Inc.; Food Basics, Inc.; Kwik Save Inc.; McLean Avenue Plaza Corp.; Montvale Holdings, Inc.; Montvale-Para Holdings, Inc.; Onpoint, Inc.; Pathmark Stores, Inc.; Plainbridge LLC; Shopwell, Inc.; Super Fresh Food Markets, Inc.; The Old Wine Emporium of Westport, Inc.; Tradewell Foods of Conn., Inc.; and Waldbaum, Inc.

Heights, and Pepsi-Cola Bottling Company as named Defendants, and which does not otherwise assert a cause of action against or refer to those entities; and

WHEREAS, Plaintiff has agreed to extend Defendants' time to answer or otherwise respond to the Second Amended Complaint under Rule 15(a)(3) through September 7, 2018.

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between counsel for the parties to this adversary proceeding, and subject to Court approval, that:

1. Defendants' time to answer or otherwise respond to the Second Amended Complaint is hereby extended through September 7, 2018.

2. To reflect the present alignment of the parties, Pepsi-Cola Metropolitan Bottling Company, Inc., Pepsi-Cola Hasbrouck Heights, and Pepsi-Cola Bottling Company shall be removed from the docket sheet as named Defendants, and the caption for this adversary proceeding shall be modified as follows:

In re:	Chapter 11
THE GREAT ATLANTIC & PACIFIC TEA COMPANY, INC., et al., ¹	Case No. 15-23007-rdd
Debtors.	Jointly Administered
THE GREAT ATLANTIC & PACIFIC TEA COMPANY, INC., et al.,	Adv. Pro. No. 18-8245-rdd
Plaintiff,	
- against -	
PEPSICO, INC.; BOTTLING GROUP, LLC (d/b/a Pepsi Beverages Company and f/d/b/a The Pepsi Bottling Group); FRITO-LAY NORTH AMERICA, INC.; QUAKER SALES AND DISTRIBUTION, INC.; MULLER QUAKER DAIRY, LLC; STACY'S PITA CHIP COMPANY, INC.; PEPSI BOTTLING GROUP, NJ; and PEPSI USA,	
Defendants.	

Dated: August 17, 2018

/s/ David N. Crapo

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- and -

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Attorneys for Defendants

SO ORDERED this 20th day of August, 2018

/s/Robert D. Drain

Honorable Robert D. Drain
United States Bankruptcy Judge